

REMARKS

This amendment is responsive to the Office Action dated August 13, 2003. Applicant notes with appreciation the Examiner's courtesy and assistance during the telephone conference of January 20, 2003 and June 9, 2009, pursuant to which instructions the instant amendments and cancellations to the claims are made. Pursuant to the Examiner's request, a copy of the Amendment and Response to First Office Action mailed to the USPTO on February 13, 2004 is also transmitted herewith as EXHIBIT A.

Following the instant Amendment, Claims 1-9 and 19-20 are pending in the instant application. Claims 10-18 are hereby cancelled without prejudice to Applicant's filing of a continuation application claiming the subject matter thereof, which the Examiner believed to be a separate invention. Applicant has specifically addressed each and every one of the Office Action's rejections in the amendments and remarks herein. Thus, Applicant respectfully submits that the remaining claims, as amended herewith, are allowable and an early notification of allowance is requested.

This amendment and response is being filed within one (1) months from the mailing date of the Notice of Non-Compliant Amendment regarding the amendment which was filed on May 14, 2009 and a Petition for an Extension of Time is unnecessary.

I. Claim Rejections – 35 USC §112

The Office Action rejected claims 9, 10 and 16 under 35 USC 112, second paragraph as being indefinite. Claims 10 and 16 have been cancelled and Claim 9 has been amended to claim a combination for the use of the device with the perform wall. Accordingly, Applicant believes that Claim 9 definitely claims the subject matter which Applicant regards as the invention, and withdrawal of the rejection is respectfully requested.

II. Claim Rejections – 35 USC §102

The Office Action rejected **Claims 1-9, 10, 11, 13 and 19** under 35 USC 102(b) as being anticipated by U.S. Pat. No. 3,000,145 to Fine (“Fine”). Applicant respectfully traverses the rejections and asserts that Claims 1-9, 10, 11, 13 and 19 are novel and patentable in view of the amendments and remarks set forth herein.

Pursuant to the Examiner’s recommendation, the limitations of Applicants second extended region have been added to independent claims 1 and 19, which in accordance with the telephone conference with the Examiner, should place the independent claims, and their respective dependent claims in condition for allowance, which action is respectfully requested. Applicant reserves of all his rights to argue the claims to allowance should the claims as amended not be allowed.

III. Claim Rejections – 35 USC §103(a)

The Office Action rejected **Claims 12, 14 and 20** under §103(a) as being unpatentable over Fine. Applicant respectfully traverses the rejection, combination, modification and interpretation of the references.

Claims 12 and 14 are hereby cancelled, thereby rendering the rejection moot. Claim 20 now depends from amended Claim 19, which was amended in accordance with the Examiner’s recommendation in order to place the independent claim in condition for allowance. As a result of the novel and unobvious limitation incorporated into Claim 19, and as a result dependent Claim 20, Applicant respectfully asserts that Claim 20 is in condition for allowance, which action is respectfully requested. Applicant reserves of all his rights to argue the claims to allowance should the claims as amended not be allowed.

CONCLUSION

It is respectfully submitted that the case is now in condition for allowance, and an early notification of the same is requested. If it is believed that a telephone interview will help further the prosecution of this case, Applicant respectfully requests that the undersigned attorney be contacted at the listed telephone number.

Respectfully submitted,
MILORD & ASSOCIATES, P.C.

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/Milord A. Keshishian/
Milord A. Keshishian
Registration No. 43,333
2029 Century Park East, Suite 2100
Los Angeles, CA 90067
Telephone: (310) 226-7878
Facsimile: (310) 226-7879